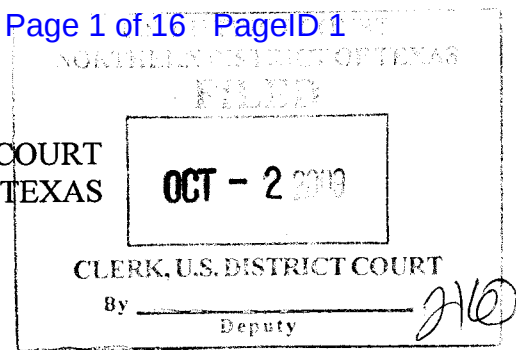


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION



SAM ST. CLAIR,
PLAINTIFF

V.

VALENTINE & KEBARTAS, INC. AND
CHASE BANK CARD, LLC
DEFENDANTS

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§
§
§
§
§
§
§

CIVIL ACTION NO. **1:09CV-189 C**

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE:

1. Sam St. Clair, Plaintiff, who is a resident of Abilene, Taylor County, Texas, which is situated in the Northern District of Texas.

2. Defendant is Valentine & Kebartas, Inc., ("V&K"), a Massachusetts corporation with its principal place of business in Lawrence, Massachusetts. It may be served with process by serving its registered agent, Robert M. Kebaratas, at 15 Union St., Lawrence, MA 01840.

3. Defendant is Chase Bank Card, LLC, ("Chase") a Delaware corporation with its principal place of business in Delaware. It may be served with process can by serving its registered agent, CT Corporation, at 350 North St. Paul Street, Dallas, TX 75201.

4. The Court has jurisdiction in this matter since this suit is a federal question under 15 U.S.C. §1692(c), known as the Fair Debt Collection Practices Act.

5. Plaintiff requested the assistance of the undersigned attorney at law after the death of his wife, Terry Lee St. Clair. Plaintiff was appointed and qualified as Administrator of Terry Lee St. Clair in Cause No. 142 in the County Court at Law No. 2 in and for Taylor County, Texas. A true and correct copy of the Order is attached hereto as Exhibit "A" and incorporated into this petition as if copied verbatim herein.

6. Terry Lee St. Clair, the Decedent, had an account with Defendant Chase, the last four (4) digits being 8061.

7. On or about December 26, 2007, Plaintiff, by and through the undersigned attorney, sent a letter to Chase by certified mail, return receipt requested, stating they would have 120 days from the date of receipt of the letter to file a claim, which was received by Chase on December 29, 2007. A true and correct copy of said letter, and signed receipt, is attached hereto as Exhibit "B " and incorporated into this petition as if copied verbatim herein.

8. On or about July 10, 2008, Plaintiff, by and through the undersigned attorney, sent another letter to Chase. A true and correct copy of said letter is attached hereto as Exhibit "C " and incorporated into this petition as if copied verbatim herein.

9. On or about August 6, 2008, Plaintiff's attorney received a form letter from V&K. A true and correct copy of said letter, and signed receipt, is attached hereto as Exhibit "D " and incorporated into this petition as if copied verbatim herein.

10. On or about September 2, 2008, Plaintiff's attorney sent a letter to V&K by certified mail, return receipt requested, which was received by V&K on September 5, 2008. A true and correct copy of said letter, and signed receipt, is attached hereto as Exhibit "E " and incorporated into this petition as if copied verbatim herein.

11. On or about September 15, 2008 , Plaintiff, by and through the undersigned attorney, sent another letter to V&K. A true and correct copy of said letter is attached hereto as Exhibit "F " and incorporated into this petition as if copied verbatim herein.

12. The Plaintiff has continued to receive messages on his home telephone from the Defendants, or Defendants' agents, including the most recent message on September 11, 2009.

13. These communications are in violation of §1629(c) of the Fair Debt Collection Practices Act.

14. Defendant Chase has failed to furnish any evidence that credit card number ending in 8061 was applied for by Plaintiff, or that any of the delinquent charges were made by Plaintiff. Because of Defendant Chase refusal to provide this information it has continued to damage Plaintiff's credit.

15. Plaintiff seeks damages from Defendant Chase for damages to his credit in the minimum sum of \$2,500.00.

16. Because of Defendant's violation of the Fair Debt Collection Practices Act, Plaintiff has suffered damage to his credit in that this debt claimed by Defendant still exists against Plaintiff's credit record, plus the harassment of being contacted at home when Plaintiff had, through his attorney, specifically requested all contact be made through his attorney. Plaintiff seeks recovery of his damage for mental anguish, and physical suffering in the minimum sum of \$1,000.00.

17. Because of Defendant's breach of this action, Plaintiff is also entitled to reasonable attorney's fees in a minimum amount of \$2,500.00.

PRAYER

Plaintiff prays that:

1. Defendants be cited to appear and answer herein;
2. Plaintiff recover damages from Defendants under the Fair Debt Collection Practices Act for an amount up to \$1,000.00;
3. Plaintiff recover actual damages from Defendants for mental anguish and suffering in the amount of \$500.00;

4. Plaintiff recover damages from Defendant Chase in a minimum amount of \$2,500.00 for damages to Plaintiff's credit;
5. Plaintiff recover reasonable attorney's fees in the minimum amount of \$2,500.00;
6. Plaintiff be granted judgment for all costs of court;
7. Plaintiff be granted judgment for post-judgment interest as allowed by the appropriate federal statute;
8. Plaintiff be granted such other and further relief, special or general, legal or equitable, as Plaintiff may be shown to be justly entitled to receive.

Respectfully submitted,



S. Clinton Nix
State Bar No. 15043300
P.O. Box 59
Abilene, Texas 79604
E-mail: nix@bradburylawfirm.com
Phone: (325) 673-7317
Fax: (325) 673-3833

DEC 18 2007

in the Taylor County Clerk's Office

NO. 142

ESTATE OF § COUNTY COURT AT LAW #2

TERRY LEE ST. CLAIR, § OF

DECEASED § TAYLOR COUNTY, TEXAS

ORDER GRANTING LETTERS OF DEPENDENT ADMINISTRATION

On this day the Court heard the Application For Letters of Administration filed by Sam St. Clair, Applicant, in the Estate of Terry Lee St. Clair, Deceased.

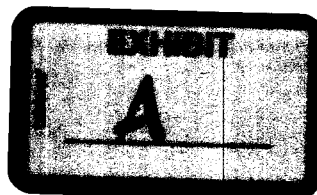
The Court heard the evidence and reviewed the documents filed herein and finds that the allegations contained in the Application are true; that notice and citation have been given in the manner and for the length of time required by law; that Decedent is dead and four years have not elapsed since the date of Decedent's death; that the Court has jurisdiction and venue of the Decedent's Estate; that Decedent died intestate on October 28, 2007; that there is a necessity for administration of this Estate; that the Application for Letters of Administration should be granted; that Sam St. Clair is entitled by law to be appointed Administrator of this Estate and is not disqualified from acting as Administrator and is qualified to receive Letters of Administration; and that no interested person has applied for the appointment of appraisers, and none are deemed necessary by the Court.

It is ORDERED that a bond in the amount of \$ 5000, payable and conditioned as required by law shall be required,, and that upon the taking and filing of the Oath required by law, Letters of Administration shall issue to Sam St. Clair, who is appointed as Administrator of this Estate.

SIGNED on 12-18, 2007.

Judge presiding

JUDGE OF THE COUNTY COURT AT LAW
NO. ONE OF TAYLOR COUNTY
SITTING FOR THE COUNTY COURT AT LAW
NO. TWO OF TAYLOR COUNTY



BRADBURY, NIX & FOWLKES, LLP
ATTORNEYS AT LAW
P. O. BOX 59
ABILENE, TEXAS 79604

BRYAN BRADBURY (1912-1988)
S. CLINTON NIX *
CATHY KIM FOWLKES*

LINDA L. INGRAM

*member National Academy of Elder Law Attorneys, Inc.

341 HICKORY, SUITE 101
ABILENE, TEXAS 79601
PHONE (325) 673-7317
FAX (325) 673-3833
E-mail: bradnix@abilene.com

December 26, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cardmember Service
P.O. Box 15548
Wilmington, DE 19886-5548

Re: No. 142; Estate of Terry St. Clair, County Court at Law #2 of Taylor County,
Texas
Account numbers ending in 8061 and 2331

Ladies and Gentlemen:

This letter is to advise you that our firm represents Terry St. Clair, who was appointed and qualified as Administrator of the Estate of Terry St. Clair on December 21, 2007. Mrs. St. Clair died October 28, 2007.

This notice is being sent to you pursuant to §294(d) of the Texas Probate Code. You have 120 days from the date of your receipt of this letter to file with the Clerk of the Court a claim against this estate, in this case, the Taylor County Clerk, otherwise, the claim may be deemed barred by law. You should also have your client submit the appropriate itemization of the information on the account and provide a copy of your claim to the undersigned at the above address. The Administrator cannot pay any such indebtedness until the proper authenticated claim has been filed with the Clerk of the Court, approved by the Administrator, and then by the Court.

Very truly yours,

BRADBURY, NIX & FOWLKES, LLP

By: Clinton Nix
S. Clinton Nix

SCN/llh
pc: Terry St. Clair



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Cardmember Services P.O. Box 15548 Wilmington, DE 19886-5548</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center; font-size: 1.2em;">DEC 29 2003</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7007 1490 0002 9033 4531</p>
<p>PS Form 3811, February 2004</p>	<p>Domestic Return Receipt 102595-02-M-1540</p>

BRADBURY & NIX
ATTORNEYS AT LAW
P. O. BOX 59
ABILENE, TEXAS 79604

BRYAN BRADBURY (1912-1988)
S. CLINTON NIX *

*member National Academy of Elder Law Attorneys, Inc.

341 HICKORY, SUITE 101
ABILENE, TEXAS 79601
PHONE (325) 673-7317
FAX (325) 673-3833
E-mail: nix@bradburylawfirm.com

July 10, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cardmember Service
P.O. Box 15548
Wilmington, DE 19886-5548

Re: No. 142; Estate of Terry St. Clair, County Court at Law #2 of Taylor County,
Texas
Account numbers ending in 8061 and 2331

Ladies and Gentlemen:

Enclosed are the following:

1. copy of letter sent to you on December 26, 2007;
2. a signed return receipt.

No claim has been filed within the time prescribed by law and, therefore, your claim is barred.

Further, Mr. St. Clair has advised me that he is continuing to receive telephone calls in regard to these accounts. You are instructed not to contact Mr. St. Clair in any way. All communications must be directed to me. If there is any further contact of my client, I will advise my client to seek the legal remedies available to him under the Fair Debt Collection Practices Act.

Very truly yours,

BRADBURY & NIX

By:

Clinton Nix
S. Clinton Nix

SCN/rl
Enclosures
pc: Sam St. Clair



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p>	
<p>1. Article Addressed to:</p> <p>Chase Cardmember Service P. O. Box 15548 Wilmington, DE 19886-5548</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>[Signature]</i> 14 2008</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7007 1490 0002 9033 4760</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
		<p>102595-02-M-1540</p>	



P.O. BOX 5804
TROY MI 48007-5804
RETURN SERVICE REQUESTED

Case 1:09-cv-00189-C Document 1 Filed 10/02/09 Page 10 of 16 PageID 10

Valentine & Kebartas, Inc.

Box 325
Lawrence, MA 01842
(978) 975-0799
(800) 731-7766

S-OTVAKI10 L-001 A-007807531-03-0143
P0KPCM00409647 115180
SAM STCLAIR
933 EVERGREEN ST
ABILENE TX 79601-4512



VALENTINE & KEBARTAS, INC.
P.O. BOX 325
LAWRENCE MA 01842-0625



August 6, 2008

Account No/ No de Cuenta:
007807531-03-0143

Total Due/ Total Debido :
\$ 16272.75

Client#/ No Cliente: 4266841118228061

✂ Detach Upper Portion And Return With Payment / Separe Esta Porcion Regresala Con Pago ✂

RE/ REF: CHASE BANK USA N.A.

CLIENT#/ NO DE CLIENTE : 4266841118228061

ACCOUNT NO/ NO DE CUENTA : 007807531-03-0143

TOTAL DUE/ TOTAL DEBIDO : \$ 16272.75

Dear SAM STCLAIR,

We have been asked to contact you to arrange a resolution of your delinquent account with CHASE BANK USA N.A.. According to our client's records, full payment of your account is long overdue. Use the enclosed envelope to remit payment of the outstanding balance.

Estimado Debtor Provando :

Nos an pedido que nos comuniquemos con usted acerca de los areglos para resolucionar su cuenta con CHASE BANK USA N.A. que esta deliquente. Los archivos de nuestro cliente dicen que pago completo esta sobrepasado por mucho tiempo. Use este sobre para remitir el pago por esta cuenta sobrepasada.

*** IMPORTANT ***

*** IMPORTANTE ***

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor. This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose. Should you wish to discuss this matter, please call us at the above toll-free number.

A no ser que usted notifique esta oficina dentro de los 30 dias de recibir esta noticia de su conflicto con esta cuenta o cualquier porcion de la misma, esta oficina assumera que esta cuenta es validad. Si usted notifica esta officima por escrito durante los 30 dias de recibir esta noticia, esta oficina: obtenga verificacion de la deuda o obtenga una copia del Jucio y te enviara una copia el Jucio o verificacion si lo hace despues de los 30 dias de recibir esta noticia esta oficina te facilitara con el nombre y direccion del creditador original si es diferente del actual creditador. Esto es un intento de collector una deuda, y cualquier informacion sera usuda para ese proposito esta comunicacion es de parte de un collectador de deudas. Si quieres hablar sobre este assunto, por favor de llamarnos al telefono arriba de esta pajina

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

Office Hours

Monday - Thursday: 8am - 8pm

Friday: 8am - 5pm

Saturday: 8am - Noon



POR FAVOR DE VER EL LADO ED ATRAS PARA INFORMACION IMPORTANTE

Horas de Oficina

Lunes a Jueves 8am - 8pm

Vienes 8am - 5pm

Sabado 8am - Mediodia

BRADBURY & NIX
ATTORNEYS AT LAW
P. O. BOX 59
ABILENE, TEXAS 79604

BRYAN BRADBURY (1912-1988)
S. CLINTON NIX *

*member National Academy of Elder Law Attorneys, Inc.

341 HICKORY, SUITE 101
ABILENE, TEXAS 79601
PHONE (325) 673-7317
FAX (325) 673-3833
E-mail: nix@bradburylawfirm.com

September 2, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Valentine & Kebartas, Inc.
P.O. Box 325
Lawrence, MA 01842-0625

Re: No. 142; Estate of Terry St. Clair, County Court at Law #2 of Taylor County,
Texas
Your client: Chase Bank USA, N.A.
Account No. 4266841118228061

Ladies and Gentlemen:

My client, Sam St. Clair, received your form letter dated August 6, 2008. A letter was sent dated December 26, 2007 to your client, which was received on December 29, 2007. A copy of the letter and the return receipt are enclosed. Your client has failed to file a claim within the time provided, and this claim is now barred by law.

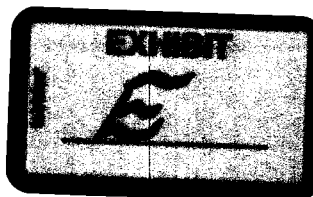
Please direct all future correspondence and communications to me.

Very truly yours,

BRADBURY & NIX

By: *Clinton Nix*
S. Clinton Nix

SCN/rl
Enclosures
pc: Sam St. Clair



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece or on the front if space permits.</p>		<p>A. Signature X</p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Valentine & Kebartas, Inc. P. O. Box 325 Lawrence, MA 01842-0625</p>		<p>B. Received by (Printed name) <i>John R. D...</i></p> <p>C. Restricted Delivery <i>4/5/08</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7008 0150 0002 5062 8486</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt 102595-02-M-1540</p>	

BRADBURY & NIX
ATTORNEYS AT LAW
P. O. BOX 59
ABILENE, TEXAS 79604

BRYAN BRADBURY (1912-1988)
S. CLINTON NIX *

*member National Academy of Elder Law Attorneys, Inc.

341 HICKORY, SUITE 101
ABILENE, TEXAS 79601
PHONE (325) 673-7317
FAX (325) 673-3833
E-mail: nix@bradburylawfirm.com

September 15, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Valentine & Kebartas, Inc.
P.O. Box 325
Lawrence, MA 01842-0625

Re: No. 142; Estate of Terry St. Clair, County Court at Law #2 of Taylor County,
Texas
Your client: Chase Bank USA, N.A.
Account No. 4266841118228061

Ladies and Gentlemen:

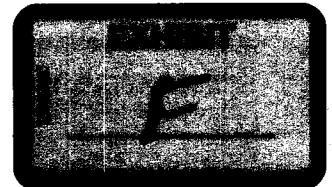
My client, Sam St. Clair, received from you an unsigned form letter dated September 8, 2008, and a copy is enclosed. I sent a letter to you by certified mail, return receipt requested, dated September 2, 2008, which was received by you on September 5, 2008. A copy of that letter and the return receipt are enclosed.

You have been advised of our firm's representation of Mr. St. Clair. You have continued to contact Mr. St. Clair in violation of the fact that our firm represents him. Further, you have been advised that the above claim against the Terry St. Clair Estate is barred by statute of limitations, yet you have continued to contact my client.

Your continued direct contact of my client, in spite of your actual knowledge of our firm's representation, is a violation of the Federal Fair Debt Collection Practices Act. Because of your breach of this statute, my client has suffered continued emotional distress in having to have our firm continue to correspond with you. My client demands payment of the following damages:

\$ 500.00 actual damages incurred
\$ 500.00 reasonable attorney's fees

\$1,000.00 total.



If this amount is not received within ten (10) days of the date of this letter, I will advise my client to seek the legal remedies available to him under the law, which may include filing suit to recover the damages which he is rightfully entitled to receive.

Valentine & Kebartas, Inc.

-2-

September 15, 2008

Again, you are instructed to make all correspondence and communications to me.

Very truly yours,

BRADBURY & NIX

By: *Clinton Nix*
S. Clinton Nix

SCN/rl

Enclosures

pc: Sam St. Clair

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i></p> <p>C. Date of Delivery <i>9/18/08</i></p>
<p>1. Article Addressed to:</p> <p>Valentine & Kebartas, Inc. P. O. Box 325 Lawrence, MA 01842-0625</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7008 0150 0002 5062 8738</p>
<p>PS Form 3811, February 2004</p>	<p>Domestic Return Receipt 102595-02-M-1540</p>

CIVIL COVER SHEET **1-09CV-189**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Sam St. Clair

(b) County of Residence of First Listed Plaintiff Taylor
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Bradbury & Nix, P.O. Box 59, Abilene, TX 79604
325-673-7317

DEFENDANTS

Valentine & Kebartas, Inc. and
Chase Bank Card, LLC

County of Residence of First Listed Defendant Essex County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC Section 1692(c)

Brief description of cause:
Breach of Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**
8,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/02/2009

SIGNATURE OF ATTORNEY OF RECORD

Clinton Nix

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____